

CHILD SUPPORT

Purpose: This section provides information and instructions on the assignment of support rights to the State. It includes the requirement to cooperate with the Division of Child Support (DCS) as a condition of eligibility for TANF, SFA and Medicaid for children.

Effective October 12, 2002

WAC 388-422-0005 What happens to my child, spousal and medical support when I get public assistance?

- (1) The following definitions apply to this chapter:
 - (a) **"We"** means the department of social and health services.
 - (b) **"You"** means a person applying for or getting benefits from us.
 - (c) **"Benefits"** mean family medical and related alien emergency medical (AEM), TANF or SFA cash assistance.
 - (d) **"Support"** means the money paid to meet a support order whether it is called child support, spousal support, alimony, maintenance, or medical support.
 - (e) **"Medical support"** means either or both:
 - (i) The set dollar amount for health care costs in a support order; or
 - (ii) Health insurance coverage for a dependent child.
 - (f) **"Assistance unit"** or **"AU"** means the group of people who live together and whose income and resources we count to decide your eligibility for benefits and the amount of those benefits.
- (2) When you apply for TANF or SFA cash benefits, you assign your rights to current support and back support (also called **"arrears"**) under WAC 388-14A-2036. You permanently assign to the state your current support for the months you get assistance. Support for months before you begin receiving assistance is temporarily assigned to the state. For more information about permanently and

temporarily assigned support see:

- (a) Permanently assigned arrears, WAC 388-14A-2037.
- (b) Temporarily assigned arrears, WAC 388-14A-2038.
- (3) You assign your rights to medical support under WAC 388-505-0540 when you apply for or get benefits from the following:
 - (a) Family medical; or
 - (b) Children's medical.
- (4) You assign your rights to support when you sign the application for benefits, or when you get cash or medical benefits.
- (5) If you have a good reason (WAC 388-422-0020) DCS may not be able to establish or collect child support (WAC 388-14A-2060).
- (6) If you receive any support payments before you assign your rights to support, we count this as unearned income to your AU (WAC 388-450-0025).
- (7) If you receive any direct support payments after you assign your rights to support, you must send the support payments to the division of child support (DCS) under WAC 388-14A-2040(3).
- (8) If you keep any support payments you receive after you assign your rights to support, DCS may collect this money from you (WAC 388-14A-5505).

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WAC 388-422-0010 Do I have to cooperate with the division of child support (DCS)?

- (1) When you get benefits, you must cooperate with DCS as required to establish or collect child support, unless you have a good reason for not cooperating.
- (2) DCS defines what cooperating with them to establish or collect child support means in WAC 388-14A-2040.

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| <ul style="list-style-type: none">(3) If you are a two-parent household, you and the other parent must help DCS establish paternity for each child in your AU, if necessary.(4) DCS determines whether you are cooperating with them. See WAC 388-14A-2041(1) for reasons why DCS might determine that you are not cooperating.(5) If you get TANF or SFA and do not have a good reason for not cooperating with DCS, we:<ul style="list-style-type: none">(a) Reduce your cash benefits by twenty-five percent; and(b) Stop your medical benefits unless you are pregnant. The children in your AU will continue to get medical.(6) If you get family medical and do not have a good reason for not cooperating with DCS, your medical will stop unless you are pregnant. The children in your AU will continue to get medical.(7) If you are afraid that cooperating with DCS may be dangerous for you or a child in your care, see WAC 388-14A-2045 for a definition of what a good reason to not cooperate with DCS is. We also call this "good cause." |
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CLARIFYING INFORMATION

Assignment

1. For TANF and SFA eligibility, a client assigns **all** rights to support, including child support, child care, and spousal maintenance.
2. For medical assistance, a client is required to assign all right, title and interest to any **medical** care support from an absent parent, including health insurance coverage and health care costs stated as a fixed dollar amount in a support order.
3. When a client applies for nongrant medical assistance only, the client is not required to assign child support rights to the department.
4. If a client retains support payments received after assignment is made, a debt is incurred with DCS.

5. Support payments received by the client prior to assignment are treated as unearned income.

Cooperation

1. Both parents in a two-parent household must help DCS establish paternity for each child in the assistance unit.
2. When good cause has been claimed and the department's decision is pending, the caretaker relative is not required to cooperate with DCS.
3. Cooperation with DCS includes completing absent parent referral forms.

WORKER RESPONSIBILITIES

1. Explain to the client that they have assigned their support rights by signing the application.
2. For unmarried, two-parent TANF applicants where the father is not named on the child's birth certificate, give the mother and alleged father the pamphlet titled, "Moms, Dads & Paternity Establishment -- Kids Need All Three", DSHS 22-586(X). Encourage them to sign a notarized Paternity Affidavit, DOH 110-001 in the CSO. If the parents choose not to sign the Paternity Affidavit, explain to them that the father will be referred to DCS for paternity establishment and they both will be required to cooperate with DCS unless good cause exists.
3. For TANF, SFA and TANF-related medical-only applications, give the caretaker relative/legal guardian an absent parent or paternity establishment referral packet to complete for each absent parent or alleged father. Each referral packet should contain:
 - a. DSHS 14-377(X), Public Assistance Grant Assignment Information (substitute the DSHS 14-378(X), Medical Assistance Only Assignment Information, for nongrant medical-only applicants),
 - b. DSHS 14-119(X), Public Assistance Assignment,
 - c. DSHS 18-344(X), How You Must Help with Support Collection,

- d. DSHS 14-057(X), Child Support Enforcement Referral (substitute the DSHS 14-057C(X), Support Enforcement Referral - Paternity Only, for unmarried two-parent households.
- 4. For instructions about completing child support referrals go to:
<http://semsweb.dshs.wa.gov/semsweb/>
- 5. If a client receives a support payment from any party other than DCS after assignment is completed, notify DCS. Support payments received by the client prior to assignment are treated as unearned income.

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WAC 388-422-0020 What if you are afraid that cooperating with the division of child support (DCS) may be dangerous for you or the child in your care?

- (1) You can be excused from cooperating with DCS when you have a good reason. A good reason not to cooperate is also called good cause. You have a good reason when you can prove that:
 - (a) Cooperating with DCS would result in serious physical or emotional harm to you or the child in your care.
 - (b) Establishing paternity or getting support would be harmful to the child who:
 - (i) Was conceived as a result of incest or rape; or
 - (ii) Is the subject of legal adoption proceedings pending before a superior court; or
 - (iii) Is the subject of ongoing discussions between you and a public or licensed child placement agency to decide whether you will keep the child or put the child up for adoption. The discussions cannot have gone on for more than three months.
- (2) Once you claim good cause, you have twenty days to give us the information that proves you have good cause not to cooperate with DCS. This information can include official records, sworn statements, or other information that supports your good cause claim. If you need to, you may ask for:

- (a) More time to give proof; or
- (b) Help in getting proof.
- (3) While we review your good cause claim, DCS does not take any action to establish or enforce support on your case.
- (4) You have the right to:
 - (a) Be told of your right to claim good cause for not cooperating with DCS;
 - (b) Get benefits while we are deciding your good cause claim, as long as you have given the proof needed to make a decision;
 - (c) Get a decision within thirty days from the date you made your good cause claim, as long as you have given the proof needed to make a decision within twenty days; and
 - (d) Get information about how to request a fair hearing if we deny your good cause claim.
- (5) If we approve your good cause claim, we periodically review the claim depending on your circumstances.
- (6) To see what DCS does when good cause is approved see WAC 388-14A-2060

WORKER RESPONSIBILITIES

If the client claims good cause or indicates they don't want to cooperate with DCS, refer the person to a Social Worker who will make the good cause determination. For more information see the Social Services Manual - Good Cause (<http://www1.dshs.wa.gov/esa/socialservices/section/goodcause.htm>).

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WAC 388-422-0030 What happens if my support is more than my TANF or SFA cash benefit?

- (1) If DCS collects current support that is more than your TANF or SFA cash benefit

for two months in a row, your cash benefit stops at the end of the third month.

- (2) You can read WAC 388-418-0025 for information on continued medical benefits.
- (3) You may be able to get continued food assistance benefits.
- (4) You can read WAC 388-310-0800 to see what kinds of support services you may be able to get.

WORKER RESPONSIBILITIES

Terminate a TANF grant after the second consecutive month that child support collections exceed the grant payment amount.